



KBZ BANK
STRENGTH OF MYANMAR

ANTI-HARASSMENT AND NON-DISCRIMINATION
POLICY

Human Resource Function

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PROCEDURE APPROVAL MATRIX

HUMAN RESOURCE FUNCTION – ANTI-HARASSMENT AND NON-DISCRIMINATION POLICY

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ANTI-HARRASSMENT AND NON-DISCRIMINATION POLICY

1. INTRODUCTION

Kanbawza Bank (“**KBZ Bank**”) aims to be a workplace free from harassment and discrimination where every employee can work with respect for the differences of each other and recognizes the diversity of its workforce and understands that for the business to function in the best way, all employees must be valued, treated with respect.

KBZ Bank believes that respectful and professional conduct furthers the KBZ Bank’s visions while promoting productivity, minimizing disputes, and enhancing KBZ Bank’s reputation. KBZ Bank expects every employee to show respect for all colleagues, customers, and vendors who they have to engage in a professional environment. Therefore, KBZ Bank sets out this Anti-Harassment and Non-Discrimination Policy to express its zero-tolerance practice for any forms of discrimination and to ensure its commitment in creating a healthy and safe environment for all employees and its clients.

2. POLICY PURPOSE

2.1 KBZ Bank is committed to provide a safe and healthy working environment for its employee which is free from discrimination and harassment at work including sexual harassment whether it takes place within KBZ Bank premises or outside, including at social events, business trips, training sessions or conferences sponsored by KBZ Bank.

2.2 KBZ Bank sets out this Anti-harassment and Non-discrimination Policy (the ‘Policy’) to ensure KBZ Bank’s approach to promoting an inclusive and equal opportunity, safe and healthy working environment with the primary aim of providing equality for all, preventing all forms of discrimination, harassments, bullying and fostering positive and productive relationships between all people including diverse groups. By implementing this Policy, KBZ Bank intends:

- (a) to recognize the right of every employee/volunteer/advisor/ consultant to attend work and to perform their duties without being subjected to any form of discrimination, harassments, and bullying.

- (b) to create an inclusive working environment to maximize the potential of all staff by providing equal opportunities in all aspects of employment including but not limited to in the recruitment, training and development of employees, and to proactively tackling and eliminating discrimination, harassments and bullying.
- (c) to not accept any forms of discrimination, harassment, sexual harassment and bullying.
- (d) to impose disciplinary action, when necessary, up to and including termination of employment/cessation of engagement against any employees who breach the Policy.

3. SCOPE OF POLICY

The policy applies equally to the Board of Directors, Senior Management, Executives, Officers, and all employees with long-term or short-term contracts, consultants with part time or full-time contract, contractors which shall be engaged by KBZ Bank including job candidates, volunteers or internship.

This policy applies not only the employees who are at work but also extends to work-related functions and to conducts outside of work where there is a sufficient connection to the workplace, and, customers, clients, visitors, and members of the public encountered while undertaking their duties for KBZ Bank.

Provided that this Policy does not create any rights enforceable by any employee against KBZ Bank.

4. DEFINITION

The terms shall be the respective meaning set forth below:

- (a) **Employees** means any of KBZ Bank's employees including all executives, officers and all KBZ staff with permanent or temporary contracts based on short/ long term contracts.
- (b) **Discrimination** defines as any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of the opportunity or treatment in employment or occupation.

(Example - Discrimination occurs when a person is treated less favourably than others because of characteristics that are not related to the person's competencies or the

inherent requirements of the job. All workers/employees and job seekers have the right to be treated equally, regardless of any attributes other than their ability to do the job.)

- (c) **Violence and Harassment** refers to a range of unacceptable behaviors and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual, or economic harm, and include gender-based violence and harassment.

(The term of “gender-based violence and harassment” means violence and harassment directed at persons because of their sex or gender or affecting persons of a particular sex or gender disproportionately, and include sexual harassment.)

5. PROTECTIONS FROM HARASSMENT AND DISCRIMINATION

Every employee is entitled to a working environment that promotes dignity, equality and respect for all. KBZ Bank shall not tolerate any acts of harassment, bullying, discrimination committed against an employee, contractor, job applicant or visitor including types of contractors and employees because of characteristic including but not limited to following:

- (a) Gender and gender identity
- (b) Parental status or status as a career/ family responsibility
- (c) Race, color, national origin, or ethnic background
- (d) A disability, disease, or injury, including work-related injury
- (e) Age
- (f) Sexual orientation preference; (including homosexuality, lesbianism, bisexuality and heterosexuality, transgender, etc.)
- (g) Religion, religious beliefs, and activity
- (h) Pregnancy, breastfeeding, maternity, and paternity
- (i) Marital status
- (j) Political opinion, beliefs, and activity
- (k) Social origin
- (l) Medical records
- (m) Physical appearance
- (n) Relationship status

- (o) Race and ethnicity
- (p) Health
- (q) Associating with someone who has, or is assumed to have, one of these above characteristics

6. CHARACTERISTICS OF DISCRIMINATION

6.1 DIRECT DISCRIMINATION

Direct discrimination exists when unequal treatment stems directly from laws, rules or practices making explicit difference on one ground. Direct discrimination is when someone is treated less favourably than another person because of a protected characteristic (types of discrimination) mentioned in clause 5. Direct Discrimination is not justifiable.

Examples: (i) An employer refusing to hire someone based on their age.

- (ii) A worker harasses another because of their race, color, national origin or ethnic background.

6.2 INDIRECT DISCRIMINATION

Indirect discrimination refers to situations, rules, and practices which appear neutral, but which in practice lead to disadvantages primarily suffered by a specific category of persons.

Examples: (i) Requirements which are irrelevant for the job in question and which typically can only or disproportionately be met by men, such as certain heights and weight levels, constitute indirect discrimination on the basis of sex.

- (ii) A company's policy offering bonuses to full time workers only risks indirect discrimination on the basis of gender as a greater proportion of the part time workers are females.

6.3 OCCUPATIONAL REQUIREMENT

In rare cases an employer might be able to prove an applicant needs a certain protected characteristic (such as a person's sex, race or religion) to do a particular job. It means authentic occupational qualification defense requires an employer to show that a particular

skill is necessary for the performance of a particular job. It is used in cases of disparate treatment discrimination.

Example: (i) An employer may justify employing only individuals of a particular racial background such as Indian for the purposes of “authenticity” in an Indian restaurant.

6.4 ASSOCIATIVE DISCRIMINATION

Associative discrimination is where an individual is directly discriminated against for association with another individual who has a characteristic mentioned in clause 5 of this Policy.

Example: It can be considered as associative discrimination to not promote a staff member because they care for a person who had a stroke. This is a discrimination against the staff member because of their association with a disabled person or caretaker’s responsibility.

6.5 PERSPECTIVE DISCRIMINATION

Perspective discrimination is where an individual is directly discriminated against due to a perception by others that they have a characteristic listed in clause 5 of this Policy. It applies even if the individual does not actually possess that characteristic.

Example: If colleague A harasses colleague B because they think colleague B has AIDS, even though they do not, in fact have the illness. Colleague A has made assumption and discrimination against colleague, based on a perception.

6.6 DISCRIMINATION ARISING FROM DISABILITY

Discrimination arising from disability is where an individual has been treated unfavourably because of something connected with their disability (so does not have to be the disability itself).

Example: Disciplining a staff member for repeated spelling mistakes that are in fact caused by dyslexia (a form of learning disability) which amount to discrimination arising from disability. This type of discrimination is unacceptable where the employer (or a line manager) knows, or could be reasonably expected to know, that the person has a disability. Anyone who

needs an accommodation due to a disability is encouraged to communicate with their line manager or HR of their needs.

6.7 DISCRIMINATION ON RECRUITMENT AND PROMOTION

Discrimination on career development and professional development including trainings is where an individual is directly or indirectly discriminated against based on (i) the perception by others that they might have a particular protected characteristic mentioned in clause 5 or (ii) because of having had a particular protected characteristic mentioned in clause 5 on recruitment and promotion process.

Showing favouritism, offering special or extra privileges on recruitment and promotion process due to close bonds with particular individual regardless of their performance, capacity, productivity or qualifications can also amount to discrimination on recruitment and promotion.

6.8 DISCRIMINATION ON CAREER AND PROFESSIONAL DEVELOPMENT (TRAINING)

Discrimination on career development and professional development including trainings is where an individual is directly or indirectly discriminated against based on (i) the perception by others that they might have a particular protected characteristic mentioned in clause 5 or (ii) because of having had a particular protected characteristic mentioned in clause 5 in career and professional development training.

Offering special or extra privileges on career and professional development training for having close bonds with particular individual regardless of the workplace requirement can also amount to discrimination on career and professional development.

6.9 DISCRIMINATION ON EQUAL PAY

Equal Pay is when men and women in the same workplace are given equal pay for work of equal value. Based on the performance evaluation, KBZ Bank ensures for promoting equal opportunities for all employees regardless of sex, race, religion or belief, age, marriage and civil partnership, pregnancy and maternity, sexual orientation, or disability. Discrimination on equal pay is where an individual is directly or indirectly discriminated based on (i) the perception by others that they might have a particular characteristic mentioned in clause 5 or (ii) because of having had a particular characteristic mentioned

in clause 5 not only in remuneration but also other forms of monetary and non-monetary benefits or incentives throughout the employment duration of the bank

6.10 NEGLECTING DIVERSITY AND INCLUSION

Diversity recognizes the unique characteristics that each employee brings to their work. Inclusion helps us build a workplace that promotes respect, fairness and equity for all.

Diversity can take many forms such as work background, experience, multiculturalism (including race, ethnicity, and languages), gender identity, sexual orientation, family structure, age, physical abilities, education, thoughts/ worldview, mental health, religious beliefs, and political views.

Everyone has unique qualities that they bring to the workplace and the wide range of perspectives that results from this diversity promotes business growth and success. All employees including any types mentioned in clause 5 are highly encouraged to contribute toward an environment that is inclusive, supportive, respectful, and welcoming.

6.11 CIRCUMSTANCES NOT RELATED DISCRIMINATION

In certain circumstances, it will not be treated or regard as discrimination in below act or practice:

- (a) Is necessary to comply with other legislation
- (b) Is a genuine occupational requirement
- (c) Is necessary to protect health and safety
- (d) Is permitted because an exemption or 'special measure' applies
- (e) Is taken reasonable management practices because the employee cannot perform the inherent (essential) requirements of their job, including performance management, reasonable adjustments, and disciplinary procedures
- (f) Is taken a direction to carry out reasonable duties and instructions or
- (g) Is taken a direction to comply with the company/organization's policies, procedures or guidelines

6.12 HARASSMENT

Harassment is unwelcomed and unsolicited behavior that a reasonable person would consider to be offensive, intimidating, humiliating or threatening.

It is not acceptable to harass an individual or group because of their characteristics mentioned in clause 5 outlined above and any kind of harassment shall not be tolerated at KBZ Bank. Harassment that is not related to a characteristic mentioned in clause 5 is still inappropriate in the workplace and KBZ Bank will take action with such incidents accordingly.

Types of harassment are as follows:

- (a) Intimidation, verbal abuse, repeated threats or ridicule
- (b) Sending offensive messages by text, email or other means
- (c) Derogatory comments
- (d) Displaying offensive materials, pictures, comments or objects
- (e) Ridiculing someone because of their accent or English/Myanmar-speaking ability
- (f) Telling offensive jokes or making practical jokes based on a protected characteristic
- (g) Belittling or teasing someone based on a characteristic mentioned in clause 5 and
- (h) Isolating, segregating or humiliating someone based on a protected characteristic

6.12.1 SEXUAL HARASSMENT

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated, uncomfortable and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Forms of conduct or behaviour which constitute sexual harassment include, but are not limited to:

- (a) Physical conduct
 - (i) Excessive or unwelcome familiarity or physical contact including patting, pinching, touching, brushing, stroking, kissing, hugging, fondling, or inappropriate touching up against someone

- (ii) Physical violence, including sexual assault
 - (iii) The use of job-related threats or rewards to solicit sexual favours and
 - (iv) Behavior that may also be considered to be an offence under penal code, such as physical or sexual assault, indecent exposure, stalking or obscene communications
- (b) Verbal conduct
- (i) Suggestive sexual comments, jokes, stories, conversations on an employee's appearance, age, private life, etc.
 - (ii) Intrusive questions or comments about someone's private life
 - (iii) Repeated and unwanted social invitations for dates or physical intimacy
 - (iv) Insults based on the sex or other characteristics of the employee
 - (v) Unwelcome flirting, requests for sex or repeated unwanted requests to go out on dates
 - (vi) Inappropriate or unwanted gifts and
- (c) Non-verbal conduct
- (i) Display of sexually explicit or suggestive material
 - (ii) Insults or taunts of a sexual nature or obscene gestures or sexually suggestive gestures
 - (iii) Whistling with intention of sexuality
 - (iv) Leering, staring or leering at a person or parts of their body
 - (v) Inappropriate advances on social networking sites
 - (vi) Accessing sexually explicit internet sites in the presence of others
 - (vii) Displaying or disseminating material such as posters, magazines or screen savers of a sexual nature
 - (viii) Making or sending sexually explicit messages (by phone or by email) or other online plat-forms

Regarding those, if someone does not object to inappropriate behavior in the workplace at the time, it does not mean that they are consenting to the behavior.

Behaviour can still be considered to be sexual harassment even if:

- (i) It is a one-off incident
- (ii) The person engaging in the behavior did not intend to humiliate, intimidate or offend
- (iii) Other people in the workplace are not offended by the behavior or
- (iv) The behavior was previously an accepted practice in the workplace

Sexual harassment may be considered work-related even if it occurs outside of the workplace or outside of normal working hours, such as on tour, during work-related travel, or at an event night, after party/activities, industry event, promotional activity or conference. All workers have the same rights and responsibilities in relation to sexual harassment. All incidents of sexual harassment no matter how big or small or who is involved – should be reported so that appropriate action can be taken.

6.12.2 CONDITIONS NOT RELATED WITH SEXUAL HARASSMENT

Where employees engage in consensual, welcome and reciprocated behaviour, this is not sexual harassment. However, appropriate professionalism is always expected of all employees, including in relation to employees engaging in consensual behavior.

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser and sexual harassment may also occur between people of the same sex.

6.13 WORKPLACE BULLYING

Bullying is a sustained form of psychological abuse. It is defined as offensive, intimidating, malicious or insulting behavior, involving the abuse or misuse of power, which has the purpose or effect of belittling, humiliating or threatening the recipient.

Workplace bullying (“**Bullying**”) is where an individual or group of individuals repeatedly behave unreasonably to another person or group of persons at a workplace, which creates a risk to health and safety.

Bullying shall not be tolerated at KBZ Bank. Bullying does not need to be intentional to regard or take as bullying. While one-off incidents of unreasonable behaviour may not

be considered bullying, they are still inappropriate and may constitute discrimination or harassment. Bullying can take many forms.

6.13.1 TYPES OF BEHAVIOUR RELATED WITH WORKPLACE BULLYING

The following types of behaviors may constitute bullying include, but are not limited to:

- (a) Physical intimidation or abuse
- (b) Aggressive or intimidating conduct or threatening gestures
- (c) Manipulation, intimidation or coercion
- (d) Threats, abuse, offensive language, shouting or belittling or swearing at people in public or private
- (e) Spreading malicious rumors
- (f) Inappropriate derogatory remarks about someone's performance
- (g) Rages, often over trivial matters
- (h) Ignoring or deliberately excluding people
- (i) Overbearing and intimidating levels of supervision
- (j) Deliberately sabotaging or impeding work performance
- (k) Innuendo, sarcasm, and other forms of demeaning language
- (l) Ganging up
- (m) Public humiliation or belittling
- (n) Initiation activities
- (o) Practical jokes, teasing, or ridicule
- (p) Isolation, exclusion or ignoring people
- (q) Inappropriate blaming
- (r) Inappropriate emails/pictures/text messages
- (s) Unreasonable accusations or undue unconstructive criticism
- (t) Allocating unpleasant, meaningless or impossible tasks
- (u) Placing unreasonably high work demands on selected workers
- (v) Deliberately withholding information, resources, support, supervision or consultation or

- (w) equipment that a person needs to do their job or access their entitlements
- (x) Unreasonable refusal of requests for leave, training or other workplace benefits
- (y) Withholding access to opportunities
- (z) Deliberately changing hours of work for a person or group to inconvenience them and
- (aa) Unreasonable timelines or constantly changing deadlines targeted at a specific person or group

6.13.2 CONDITIONS NOT RELATED WITH WORKPLACE BULLYING

Workplace bullying does not include reasonable management action carried out in a reasonable manner. KBZ Bank has rights and obligations to effectively direct and control the way work is carried out. It is reasonable for managers and supervisors to allocate work to a worker/employee and give fair and reasonable feedback on its workers' performance.

Examples of reasonable management action include, but are not limited to:

- (a) Setting reasonable performance goals, standards and deadlines
- (b) Rostering and allocating working hours or assigned work where the requirements are reasonable
- (c) Transferring a worker for operational reasons
- (d) Deciding not to select a worker for promotion where a reasonable process is followed
- (e) Disciplinary action (including investigations) taken in a reasonable manner
- (f) Informing a worker about unsatisfactory work performance or inappropriate behavior in an objective and confidential way
- (g) Implementing organizational changes or restructuring and
- (h) Termination of employment
- (i) Workplace conflict is generally not considered workplace bullying. Differences of opinion and disagreements in the workplace (e.g., differences of opinion on artistic interpretation or direction) may arise without engaging in repeated, unreasonable behavior that creates a risk to health and safety.

6.14 VICTIMIZATION

Victimization involves treating or threatening someone unfairly or badly or in a detrimental way, because they have made, or intend to make a complaint or helped someone else make a complaint or refused to do or raised a grievance or suspect they are doing so a discrimination/harassment/sexual harassment, bullying complaint. This also includes those who have supported another person in making a complaint.

It is also victimization to threaten someone (such as a witness) who may be involved in an investigation of a complaint. It is unacceptable and shall not be tolerated at KBZ Bank.

6.15 VILIFICATION/CRITICISM

Vilification/Criticism is any public act that incites hatred, serious contempt, or severe ridicule against another person or group of people due to their race (including ethno-religious origin), homosexuality, transgender status and HIV/AIDS status. Vilification shall not be tolerated at KBZ Bank.

6.16 GOSSIP AND CONFIDENTIALITY

All employees must avoid gossiping about past events involving current or former workers or any allegations of inappropriate workplace behavior occurring at KBZ Bank. Where an employee considers a person's behavior to be inappropriate, an employee should raise this with the relevant leadership or management person, or report the behavior by following the Grievance procedure so that appropriate action can be taken.

It is also unacceptable for employees at KBZ Bank to talk with other workers, clients or suppliers, extended family or friends, or the media about any complaint of discrimination, harassment, sexual harassment or bullying that is the subject of a current complaint or investigation other than on a 'need to know' basis. Breaching the confidentiality of a current complaint or investigation or inappropriately disclosing personal information obtained in the course of a complaint or investigation (for example, as a manager) is a serious breach of this policy and may lead to formal disciplinary action.

Those directly involved in a complaint (i.e., complainant and respondent) are entitled to seek personal and professional support, and seeking of such support (for example, from

someone who has knowledge of the complaint) is not considered a breach of confidentiality.

7. EMPLOYEE'S RIGHTS AND RESPONSIBILITIES

7.1 All employees are entitled to:

- (a) Enjoy a workplace free from discrimination, harassment, sexual harassment and bullying
- (b) Raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimized
- (c) Have a support person (e.g., a co-worker, friend or family member) present during the complaints process
- (d) Reasonable flexibility in working arrangements, especially where needed to accommodate family responsibilities, disability, religious beliefs or culture and
- (e) Have recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics

7.2 All employees have the responsibility to

- (a) Comply with the standards of behavior outlined in this policy, the Code of Conduct and other related policies
- (b) Treat everyone with dignity, courtesy and respect at all times
- (c) Where appropriate, offer support to people who experience discrimination, harassment, sexual harassment and bullying, such as providing information about how to make a complaint
- (d) Avoid gossip about past incidents or matters that are subject of a current complaint or investigation
- (e) Respect the confidentiality of complaint resolution procedures
- (f) Where applicable, assist and cooperate in the investigation of complaints made under this policy
- (g) Participate in training provided by KBZ Bank around workplace discrimination, harassment, sexual harassment and bullying and

- (h) Take bystander action mentioned in clause 10 of this Policy (if safe to do so) if they see or hear about discrimination, harassment, sexual harassment or bullying in the workplace

8. MANAGEMENT RESPONSIBILITIES

In addition to the responsibilities of employees, personnel in leadership and management positions shall maintain model appropriate standards of behavior and act fairly to resolve issues and enforce workplace behavioral standards, making sure relevant parties are heard.

9. TRAINING AND CONTRIBUTION

Human Resources Function shall monitor the effectiveness of this policy together with Code of Conduct and other related policies and provides the training or guidance to employees regarding discrimination, harassment and bullying and how to make a complaint or take bystander action.

10. SUPPORTING BYSTANDER ACTION

To promote a safe, equitable and respectful workplace, KBZ Bank encourages all employees to take appropriate action (in accordance with this Policy) if they witness or hear about workplace discrimination, harassment, sexual harassment and bullying.

- (a) **See:** Know where the line is. If you see or hear something that makes you feel uncomfortable, don't ignore it.
- (b) **Talk:** It takes courage to speak up. Talk with your boss, your colleagues or with the person who is crossing the line.
- (c) **Support:** Don't underestimate the power of support. It can help a colleague stand up and take action.

Victimization of someone taking bystander action will not be tolerated by KBZ Bank.

11. BREACH OF THE POLICY

A breach of this policy shall result in disciplinary action. Depending upon the severity of the case, consequences may include apology, counseling, transfer, demotion, dismissal, or other forms of disciplinary action deemed appropriate by the Human Resources department.

12. RAISING A COMPLAINT

Any employee can raise a concern or complaint to Human Resource Function if they believe there has been a breach of this Anti-Harassment and Non-Discrimination Policy. A complaint may be raised by an employee who is experiencing or is a witness to discrimination, harassment, sexual harassment or bullying, according to Grievance Procedure given in Annex A.

13. POLICY MANAGEMENT

This Policy takes effect from the date of approval by the Board of KBZ Bank.

Amendments or developments shall be recommended to the board from time to time as deemed appropriate. Recommendations for change shall require board approval.

The employees should read the related policy, Diversity and Inclusion Policy for more comprehensiveness for creating an inclusive workplace.

ANNEX – A

Complaint Handling and Investigation Procedure

Please follow the steps outlined in the [Grievance Procedure](#) to report incidents.